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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,606	01/30/2001	Roland L. Fernandez	MS164006.1	1724

27195 7590 11/23/2004

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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/772,606	Applicant(s) FERNANDEZ ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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Continuation of 2. Applicant's arguments filed September 20, 2004 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Nowhere does Isreal et al. teach or suggest utilization of a sizing module to size a first component in response to a sizing input, and thereupon the use of second module to align a second component within the sized first component. Moreover, nowhere in Isreal et al. is it taught or suggested that a bitmapped component can be divided into a plurality of grids to be subsequently used to expand or compress, and align, the bitmapped component according to a received sizing input.

(b) Higgins et al. does not teach or suggest a sizing module that is capable of resizing a bitmapped component in relation to the DPI of the context that the themed element is to be rendered to, while simultaneously accounting for conditions under which the bitmapped component was created, thereby mitigating pixilation and the disproportionate appearance of the resized/scaled elements.

The examiner disagrees for the following reasons:

Per (a), Isreal teaches a sizing module adapted to size a bitmapped first component in response to the sizing input and an alignment module adapted to align a second component within the sized first component, wherein the bitmapped first component is divided into a plurality of grids (col. 7, lines 25 – 35; col. 14, line 56 through col. 15, line 25; i.e. a second component of bitmap type such as the next-to-last visible column is aligned with the right edge of the grid and within the resized (expanded or compressed) first component of predetermined user-selected widths of columns and heights of rows).

Per (b), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies and previously argued in the last response (i.e., mitigating pixilation and the disproportionate appearance of the resized/scaled elements) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, it has been previously presented that Higgins teaches a sizing module adapted to size the bitmapped component in response to receiving a command from a user to alter the DPI settings and based upon a functional relationship between the DPI of the context that the UI element is being rendered and the DPI that the bitmapped component was designed (col. 4, lines 15 – 35; the DPI calibration feature allows a user to set the number of pixels in the display to represent a length of output wherein a pixel is a set of bits that represents a graphic image, with each bit or group of bits corresponding to a pixel in the image). If by "sizing the bitmapped component in response to the sizing input and based upon a functional relationship between the DPI of the context that the UI element is being rendered to and the DPI that the bitmapped component was designed under" applicant meant mitigating pixilation and the disproportionate appearance of the resized/scaled elements, applicant is strongly urged to incorporate such claim language to clarify the issue.